

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
APRIL 8, 2008

CARROLL COUNTY CONSERVATION CENTER
SWAN LAKE STATE PARK
CARROLL, IOWA

TABLE OF CONTENTS

Call to Order	1
Commissioners Present -	1
Adoption of Agenda.....	1
APPROVED AS PRESENTED	1
Approval of Minutes	1
APPROVED AS PRESENTED	1
Directors Remarks	1
INFORMATIONAL ONLY	2
Contract Recommendation - Regional Collection Center Establishment Grant.....	2
APPROVED AS PRESENTED	3
Contract – Petroleum Tank Training Institute - Provides Compliance Inspector Training and Continuing Education (Refresher) Courses to Iowa Licensed UST Professionals.....	3
APPROVED AS PRESENTED	5
Final Rule: Chapters 20, 21,22, 23, 25, and 33, Air Quality Program Rules - Updates, Revisions, and Additions	5
APPROVED AS PRESENTED	8
Proposed Rule: Chapters 20, 21, 22, 23 and 33, Air Quality Program Rules –Updates, Revisions and Additions	8
INFORMATION	11
Proposed Rule – amend subrule 113.2(8) of 567-Chapter 113 “Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes”	11
INFORMATION	12
Contract – Nonpoint Source Pollution Control Project	12
APPROVED AS PRESENTED	13
Public Participation.....	13
Linda Kinman	13
Steve Anderson	15
Niela Seaman	16
Virginia Soelberg	16

Marian Gelb	17
Jerry Peckumn.....	17
Sonia Skidmore	17
Jack Troeger.....	18
Rosemary Partridge.....	18
Steve Veysey.....	18
Mike Delaney.....	19
Don Probst	20
Charlotte Hubbell.....	20
Presentation on Water monitoring activites in the Raccoon Basin.....	22
INFORMATIONAL	23
Final Rule – Chapter 61 – Water Quality Standards (Stream Reclassifications via Use Assessment and Use Attainability Analyses)	23
TABLED.....	25
Monthly Reports	25
INFORMATION	45
General Discussion	45
Next Meeting Dates	45
Adjournment	45

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson David Petty at 9:05 a.m. on April 8, 2008 at the Carroll County Conservation Center, Carroll, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow, Secretary
Ralph Klemme
Charlotte Hubbell, Vice-Chair
David Petty, Chair
Susan Heathcote
Henry Marquard
Paul Johnson

ADOPTION OF AGENDA

Motion was made by Ralph Klemme to approve the agenda as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Henry Marquard to approve the minutes as presented. Seconded by Sue Morrow. Motion carried unanimously.

Charlotte Hubbell abstained.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Director Leopold said that the legislators are planning to go home next week. We are resisting a bill that has to deal with manure stockpiling. We thought we had some compromises worked out prior to session but that has changed.

The Governor signed the Septic transfer bill and a bill creating the Watershed Council.

Power Fund board is going strong. Tomorrow is the first meeting to determine the financial awards to applicants.

Missouri River

The Governor has created position to drive forward legislation that will determine how we participate with the MoRAST group. (Missouri River Association of States and Tribes) Our main focus on the river would be the many opportunities to pull in monies for ecological recreation development.

Honey Creek Resort State Park

Project Manager, Terry Montgomery has been offered and accepted a position with Kum-n-Go as the vice-president of strategic planning. The project is still going forward and moving right along.

Sustainable Funding

Successful year! It's gone with the Senate and House Committee. We need to get it to the floor of the House for a vote.

INFORMATIONAL ONLY

CONTRACT RECOMMENDATION - REGIONAL COLLECTION CENTER ESTABLISHMENT GRANT

Alex Moon, in the Energy and Waste Management Bureau presented the following item.

The Department is recommending awarding \$97,500 in grant assistance to expand and enhance Regional Collection Center services in Cass, Adair and Guthrie Counties. Specific to this award:

Cass County will expand from a satellite facility of Prairie Solid Waste Agency to a main RCC facility serving Guthrie and Adair Counties.

Guthrie County currently has no regional collection center service and will become a new satellite facility for residents and small businesses to properly manage and dispose of hazardous materials.

Adair County was previously a satellite facility of Metro Waste Authority and will enter into a contract with Cass County as a satellite facility for RCC services.

Funding is requested for:

<u>Cass County</u>	<u>Guthrie County</u>	<u>Adair County</u>
RCC facility expansion	Hazardous material storage bldg.	Hazardous material storage bldg.
RCC mobile unit	Site preparation	Equipment and supplies

Equipment and supplies
Education

Equipment and supplies
Staff training
Education

Staff training
Education

Hazardous materials collected or received from residents or CESQG businesses in Adair and Guthrie Counties will be sorted and bulked at their satellite facilities. Cass County will collect and transport the hazardous waste from the satellite facilities to the main RCC facility for final processing and arrange for proper disposal.

BACKGROUND

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity generator (CESQG) businesses, urban and rural households, and farming operations. Household hazardous materials (HHMs) possess any or all of the following characteristics: toxic, corrosive, flammable or reactive. Funding for the Regional Collection Center program is provided through a portion of the solid waste tonnage fee.

A total of 2,957,014 pounds of waste was accepted, processed, recycled and disposed of through the RCC Program in 2007. These materials represent some of the most toxic materials in the solid waste stream and are being prevented from entering Iowa's landfills.

At this time, the Department is requesting Commission approval to enter into a contract with Cass County Environmental Control Agency to expand the Regional Collection Center Programs in Cass, Guthrie and Adair Counties.

Motion was made by Charlotte Hubbell to approve the contract as presented. Seconded by Ralph Klemme. Motion carried unanimously.

Paul Johnson asked why the DNR isn't out front telling the Iowa public about changing light bulbs and proper disposal.

Alex Moon said that the Department does not have the authority over small business hazardous waste. EPA has this authority. Mr. Moon did indicate that there is a pending bill in the Iowa General Assembly related to fluorescent lamps.

Charlotte Hubbell asked Rich to talk to the Iowa Utilities Board regarding this issue.

APPROVED AS PRESENTED

CONTRACT – PETROLEUM TANK TRAINING INSTITUTE - PROVIDES COMPLIANCE INSPECTOR TRAINING AND CONTINUING EDUCATION (REFRESHER) COURSES TO IOWA LICENSED UST PROFESSIONALS

Paul Nelson of the Environmental Services Division presented the following information.

Commission approval is requested for a one year, \$24,650 contract with **Petroleum Tank Training Institute (PTTI)**, 725 Progress Drive, Saukville, Wisconsin to provide compliance inspector training and continuing education courses to Iowa Licensed UST Professionals. The contract will begin on April 17, 2008 and terminate on April 17, 2009. The DNR shall have the option to renew this contract for up to five (5) additional one-year extensions. The purpose of the extensions is for training new individuals and conducting continuing education courses, as needed. The cost of each extension shall be negotiated between \$10,000 and \$20,000 per extension. The total length of this contract, including extensions, shall not exceed a six-year period. The total amount of this contract, including extensions, shall not exceed \$125,000.

Funding Source:

This project will be funded through **federal State and Tribal Assistance Grant (STAG)** dollars. The Underground Storage Tank (UST) section is allocated a baseline grant each year for program administration. Last year and this year additional federal STAG dollars have been added to the baseline grant specifically to assist states in implementing mandates of the federal Energy Act of 2005 - one provision being an increased inspection frequency for UST facilities.

Background:

Iowa statute (455B.474(1)(i)) required adoption of rules establishing a UST compliance inspector certification program administered by the DNR. Rules were adopted in May 2006 that 1) require UST owners /operators to hire an Iowa certified compliance inspector to inspect their UST systems biennially for compliance with regulations (567—135.20), and 2) establish compliance inspector certification criteria (567—134B). The DNR transitioned to third-party inspections in 2007. All facilities were required to be inspected in 2007 and every two years thereafter. Concurrently, the federal Energy Act required all facilities to be inspected by August 2007, and every three years thereafter. The DNR recognized in-house resources were insufficient to meet the mandated inspection frequency; thus, the third-party compliance inspection program was developed. A key component is DNR oversight, training, and certification of inspectors.

In addition, Iowa statute (455B.474(10)) required adoption of rules establishing a certification program for persons who install, inspect installations, test, line or close USTs. Rules were adopted in July 2007 establishing a certification program for these professionals and administered by the DNR (567—134C).

Purpose:

The purpose of this contract is to provide required training and continuing education for UST certified professionals. The training for temporarily certified compliance inspectors is to be conducted on two consecutive days, consisting of eight-hour modules per day. Following the training, a continuing education (refresher) course for Iowa licensed installers, installation inspectors, testers and liners will be conducted on the third day and repeated on the fourth day in order to accommodate employees of companies who cannot send their entire staff to participate at the same time. This project consists of the following elements:

A. Compliance Inspector Training: The contractor shall develop and present a two-day compliance inspector training module for compliance inspectors. Two hours of the two-day training will include testing inspectors through an exam provided by the DNR. Training will facilitate formal certification for temporarily certified compliance inspectors and DNR field office staff (who will attend but not participate in certification). At a minimum training will cover tank and line leak detection (including leak prevention and interstitial monitoring), cathodic protection, overfill prevention, spill protection, records review, and secondary containment (sumps and double wall tank and piping systems). The certification process for compliance inspectors involves application, training, testing, and meeting certain qualifications (e.g., being an Iowa Licensed Installer).

B. Iowa Licensed Installer, Tester and Tank Remover Training: The contractor shall develop and present two one-day 'refresher' modules for Iowa Licensed Installers, Installation Inspectors, Testers and Liners covering important technological and trade developments, including but not limited to UST equipment, installation procedures, precision testing, UST permanent closure, Energy Act of 2005 (specifically secondary containment), leak detection, and safety. The Iowa Licensed Installers, Installation Inspectors, Testers and Liners must participate in a refresher course for license renewal.

Consulting Firm Selection Process:

In response to the Compliance Inspector Training Request For Proposals (RFP), one proposal was received from the following consulting firm: Petroleum Tank Training Institute (PTTI). Four evaluators from the Iowa Department of Natural Resources Underground Storage Tank Section conducted the review of the proposal. Following is a listing of the technical, cost and total scores (maximum total score is 100 points):

Firm Name	Technical Score	Cost Score	Total Score
PTTI	76	15	91

Based on the evaluation and total score, we recommend the Service Contract to Provide Compliance Inspector Training and Continuing Education (Refresher) Courses to Iowa Licensed UST Professionals be awarded to Petroleum Tank Training Institute (PTTI).

Motion was made by Susan Heathcote to approve the contract as presented. Seconded by Charlotte Hubbell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE: CHAPTERS 20, 21,22, 23, 25, AND 33, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS

Christine Paulson, Environmental Specialist Senior in the Program Development Section of the Air Quality Bureau presented the following information.

The Department is requesting that the Commission adopt amendments to Chapter 20 "Scope of Title –Definitions-Forms-Rules of Practice," Chapter 21 "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," Chapter 25 "Measurement of Emissions," and Chapter 33, "Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD) of Air Quality," of the 567 Iowa Administrative Code.

The purpose of the rule changes is to update state air quality rules for new state and federal requirements that EPA enacted through November 2007. The rule changes also include corrections, clarifications and improvements to existing air quality rules, including the rules for construction permits; prevention of fugitive dust; and the opacity limit for incinerators.

Notice of Intended Action was published in the Iowa Administrative Bulletin (IAB) on January 2, 2008, as ARC 6517B. A public hearing was held on February 4, 2008. The Department did not receive any oral or written comments at the public hearing. The Department did not receive any written comments before the public comment period closed on February 5, 2008.

The Department made one minor to the adopted rules from what was published in the Notice by combining Item 16 and Item 17 from the Notice into Item 16 in the final rules.

Brief descriptions of each rulemaking item are included below. More detailed descriptions are included in the preamble of the attached Adopted and Filed rulemaking.

Definitions update

Item 1 amends three definitions in Chapter 20. Two definitions were amended to delete obsolete and unneeded addresses. The definition of "volatile organic compound" to reflect that EPA deleted a chemical from the list of the substances considered to be volatile organic compounds. Item 24 similarly amends the PSD definition of "volatile organic compounds" or "VOC."

Greenhouse gas requirements

The Iowa General Assembly approved legislation in April 2007 that requires the reporting of greenhouse gas emissions in air construction permit applications and also requires a statewide greenhouse gas emission inventory.

Item 2 adds the greenhouse gas definition from the legislation (Senate File 485) to Chapter 20. Item 3 amends the emissions inventory rule in Chapter 21 to incorporate the requirements for reporting greenhouse gases.

The Department updated the air construction permit application forms to facilitate the reporting of greenhouse gas emissions in air construction permit applications. The Department will continue to work over the next several months to establish the method of inventorying greenhouse gases and to establish a voluntary greenhouse gas registry, as required by the legislation.

Construction Permits

Item 4 adds clarifying language to the construction permit exemption for internal combustion engines.

Item 5 corrects an error in the provisions for the exemption for "small units."

Item 6 amends the exemption for aqueous based wash booths.

Item 7 amends the exemption for mobile agricultural and construction internal combustion engines to add "over-the-road truck engines are being added to the list of equipment included under this exemption..

Item 8 amends a cross reference to the PSD rules in Chapter 33.

Acid Rain definitions

Item 9 updates the definition of "40 CFR Part 75" to reflect recent EPA amendments.

New Source Performance Standards (NSPS)

Items 10, 11, and 12 amend state air quality rules to adopt NSPS amendments that EPA finalized through November 2007. Of note are the following federal amendments:

Amendments to the NSPS General Provisions to allow a facility to petition for an extension to performance testing deadlines when events beyond the facility's control prevent compliance with the testing deadline.

Amendments to the NSPS for electrical steam generating units (EGUs) and industrial-commercial-institutional steam generating units. EPA finalized amendments to add compliance alternatives for certain sources, to revise certain recordkeeping and reporting requirements, to correct technical and editorial errors and to update the grammatical style of the four subparts that EPA amendment.

Amendments to the NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (SOCMI). The standard applies to pumps, compressors, pressure relief devices, valves, flanges and other equipment in VOC service at chemical process plants such as ethanol production facilities. EPA finalized amendments to the NSPS for existing SOCMI that include clarifications, changes that reduce burden and additional compliance options. EPA also finalized standards for new SOCMI that commence construction, reconstruction or modification after November 7, 2006. The changes for new SOCMI include lower leak detection levels, additional recordkeeping, and additional instrument calibration requirements.

National Emissions Standards for Hazardous Air Pollutants (NESHAP)

Items 13 through 16 amend state air quality rules to adopt NESHAP amendments that EPA finalized through July 2007. Of note are the following federal amendments:

Amendments to the NESHAP General Provisions in 40 CFR Parts 61 and 63, similar to the NSPS changes indicated above.

Amendments to the NESHAP for halogenated solvent degreasers. EPA found that more stringent standards for major sources and for new area (minor) sources were needed to provide an ample margin of safety to protect public health. The Department expects that approximately two, existing sources in Iowa may need to make modifications to comply with the new, facility-wide HAP emissions standards. The Department will work with these and any other affected facilities to assist with compliance with the new standards.

Amendments to the NESHAP to include several, new area source categories. Area sources are those sources that are not major sources for HAP.

Emission limit based upon stack height - correction

Item 17 corrects a calculation in Chapter 23 that specifies how to calculate an emissions limit based upon stack height.

Fugitive dust – reasonable precautions

Item 18 amends the rule for fugitive dust to add vehicle speed control as a reasonable precaution to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions are generated.

Incinerator opacity limit – correction

Item 19 corrects an error in the level of excess opacity allowed from incinerators during periods of operation breakdown or cleaning of control equipment.

Test methods – update state rules for emissions test methods

Items 20-23 amend Chapter 25 to update performance test methods.

Motion was made by Henry Marquard to approve the final rule as presented. Seconded by Paul Johnson. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE: CHAPTERS 20, 21, 22, 23 AND 33, AIR QUALITY PROGRAM RULES –UPDATES, REVISIONS AND ADDITIONS

Christine Paulson, Environmental Specialist Senior in the Program Development Section of the Air Quality Bureau presented the following information.

The Notice of Intended Action to amend Chapter 20 "Scope of Title –Definitions-Forms-Rules of Practice," Chapter 21 "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," and Chapter 33 "Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD) of Air Quality," of the 567 Iowa Administrative Code is being presented to the Commission for information.

The purpose of the proposed rule changes is to make corrections, clarifications and improvements to existing air quality rules for:

- Air quality definitions;
- Electronic filing of permit applications and inventories;
- Allowing operation of small, temporary generators during disaster periods;
- Construction permitting procedures;
- Portable plant re-location notifications;
- Title V definitions and permitting procedures;

- Emission standards for hazardous air pollutants (HAP); and
- PSD permitting procedures.

The specific items included in the Notice of Intended Action are, as follows:

Definitions update

Item 1 amends the definition of "EPA reference method" in Chapter 20. The amendment makes the definition in Chapter 20 consistent with the definition in Chapter 22, and also reflects updates to EPA reference methods that were adopted by reference in Chapter 25 in the previous rulemakings.

Electronic Submittal – emissions inventories

For the past several years, the Department has given stakeholders the option of submitting emissions inventories electronically using the State Permitting and Air Reporting System (SPARS). Items 2 and 3 add provisions to the emissions inventory rules providing for electronic submittal.

Temporary Electricity Generation - disaster situations

During last winter's ice storm in which electricity generation was disrupted throughout much of the state, some utilities installed and operated small, temporary generators. Current rules do not allow for operation of a generator without an owner or operator first obtaining an air construction permit or a variance from the Department. This fall, the Department began working with stakeholders to devise the best way for expediting use of these generators in the future while still ensuring that air quality standards are met. Item 4 is the result of these discussions with stakeholders, and specify the conditions for installing and operating these generators.

Construction Permits – electronic submittal

Item 5 allows for electronic submittal of air construction permit applications. The Department has been accepting electronic submittals through the SPARS system for several years now. This amendment codifies the electronic submittal option.

Construction Permits – portable plant relocation notifications

Item 6 reduces the notification requirement for most portable plant relocations from 30 days prior to relocation to 14 days prior to plant relocation. This change will allow more flexibility for owners and operators of portable plants, while still allowing sufficient time for Department field office staff to conduct air quality inspections at these portable plants.

Title V Permits – definitions, provisions for electronic submittal, timely application, multiple permits and adjustment to fee payment

- Item 7 amends the definition of "EPA reference method" in the Title V rules. The amendment reflects updates to EPA test methods that were adopted by reference in Chapter 25 in previous rulemakings.
- Item 8 amends provisions for the Title V Operating Permit program. First, the amendment includes provisions for electronic submittal of the Title V application forms. Second, the amendment clarifies the requirements for submitting different types of Title V applications for both existing and new major stationary sources. The amendment does

not add any new requirements, but simply provides a better description for Title V facility owners or operators who must submit timely applications, revisions and notifications. Third, the amendment provides additional information on timely permit application under the Clean Air Interstate Rule (CAIR) because this program is associated with the Title V program.

- Item 9 adds provisions for the department to allow more than one Title V permit for one stationary source. The amendment codifies Department policy to allow multiple permits under certain circumstances. The Department has issued multiple Title V permits to some, single stationary sources. The Department will review requests for multiple Title V permits for a single, stationary source, and may issue multiple Title V permits, as appropriate.
- Item 10 provides for electronic submittal of emissions inventories being submitted to the Linn or Polk County air quality programs.
- Item 11 adds provisions for correcting errors in Title V emissions inventories and Title V fees. These provisions codify Department policies.
- Item 12 amends a Title V rule to add a description that is consistent with the amendments being proposed under Item 8.
- Item 13 removes the requirement that stack testing be completed prior to an owner or operator submitting an application for a Title V permit renewal. This provision is no longer needed because the Department's Title V program has established procedures to address compliance testing. If a required test is not completed prior to Title V permit renewal, the Department has the option of including a compliance plan in the renewed permit that addresses the need to complete testing.
- Item 14 corrects a cross reference to reflect the amendments in Item 8.

Emission standards for hazardous air pollutants (HAP) for source categories

The Department is amending the rules in Chapter 23 that adopt the federal National Emission Standards for Hazardous Air Pollutants (NESHAP). A detailed description of each of the amendments is included in the preamble of the attached Notice. A summary of the changes is as follows:

- Item 15 adopts recent federal amendments that apply to iron and steel foundries that are major sources of HAP. The amendments add alternative compliance options for existing foundries. The amendment also includes language to clarify that an earlier date of adoption may apply for a specific NESHAP.
- Item 16 adopts by reference three new NESHAP for area sources. Area sources are those new and existing sources that are not major sources for HAP. The new standards apply to the following source categories: Hospital Ethylene Oxide Sterilizers; Steelmaking Electric Arc Furnaces; and Iron and Steel Foundries. The Department has identified facilities that may be affected by the new requirements and will be working with these facilities.
- Item 17 adopts by reference three additional, new NESHAP for area sources. These standards apply to the following source categories: Clay Ceramics Manufacturing; Glass Manufacturing; and Secondary Nonferrous Metal Processing. The Department has identified facilities that may be affected by the new requirements and will be working with these facilities.

- Item 18 amends the NESHAP for stationary reciprocating internal combustion engines. The amendment is proposed because the Department is not adopting the federal amendments that EPA finalized in January 2008. The Department is not adopting the new amendments at this time because the Department is still identifying facilities that may be affected by the federal amendments and also is developing an implementation plan for the new federal provisions. The Department plans to adopt the federal amendments in a rulemaking later this year.

Prevention of Significant Deterioration (PSD) – Amendments to Chapter 33

- Item 19 amends the PSD public participation provisions. After the Department adopted EPA's for PSD reform last year, Department staff determined that it would be helpful to affected facilities if the Department included provisions for re-opening the public comment period for PSD permits. These amendments are in accordance with the Department's procedures.
- Item 20 amends the PSD source obligation provisions to adopt the federal regulations under 40 CFR 52.21 that were inadvertently omitted when the Department adopted EPA's PSD reform rules in 2006. These provisions had been included in the state's PSD rules prior to that time. These provisions make clear that a source owner or operator is subject to enforcement action if a source is not constructed according to its issued PSD permit and the owner or operator does not obtain the required PSD permit prior to initiating construction. The amendment does not change the Department's existing authority to enforce the PSD permit requirements. The amendment also clarifies the time period allowed for commencing and completing construction on PSD projects.
- Item 21 amends the conditions of permit issuance for PSD permits to add provisions for making administrative amendments.

The Department plans to bring this Notice to the Commission for decision at the Commission's May meeting.

INFORMATION

PROPOSED RULE – AMEND SUBRULE 113.2(8) OF 567-CHAPTER 113 “SANITARY LANDFILLS FOR MUNICIPAL SOLID WASTE: GROUNDWATER PROTECTION SYSTEMS FOR THE DISPOSAL OF NON-HAZARDOUS WASTES”

Alex Moon, Environmental Program Supervisor in the Land Quality Bureau presented the following information.

For the Commission's information and review is a draft Notice of Intended Action to amend subrule 113.2(8) of 567-Chapter 113 “Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes.”

This amendment is being proposed to address public comments and an objection placed upon this subrule by the Administrative Rules Review Committee pursuant to Iowa Code section 17A.4(5) on December 11, 2007. The Administrative Rules Review Committee determined that

subrule 113.2(8) is unreasonable and stated “These members are concerned that subrule 113.2(8) constitutes an improper regulatory taking.” The legal effect of this objection is to shift the burden of proof to the Department in any legal challenge to the subrule. Such legal challenge has been filed.

The amendment is also intended to address question that have arisen in regard to the current closure requirements for sites that were closed pursuant to the previous rule requirements. The amendment is intended to allow municipal solid waste landfills to continue to use previously approved landfill cells which have a basal liner and leachate collection system until those cells have been filled.

The Commission will be asked to approve this Notice of Intended Action at its May meeting.

Charlotte Hubbell asked if this was holding up the whole Chapter 113 rulemaking.

Director Leopold said that everything from the previous Chapter 113 rulemaking is being implemented except for this portion.

Charlotte Hubbell suggested that we go into closed session at next month’s meeting to discuss the legal challenge that has been filed in Dallas County.

INFORMATION

CONTRACT – NONPOINT SOURCE POLLUTION CONTROL PROJECT

Steve Hopkins, with the Environmental Services Division presented the following information.

Commission approval is requested for the following one-year contract for a nonpoint source (NPS) pollution control project. The funds for this contract will come from the FFY2001 and FFY04 Section 319 grant. Funding from other state and federal programs is also being used to support this project.

Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (IDALS/DSC), Iowa Learning Farms Project, \$98,512

This contract will support an ongoing project facilitated by Iowa State University Extension and the Leopold Center for Sustainable Agriculture, co-funded by the DNR Section 319 program, the USDA Natural Resources Conservation Service (NRCS), and the IDALS Division of Soil Conservation. The primary objectives of the project are to increase awareness and adoption of conservation tillage systems and other conservation practices among Iowa farmers, by working with 30 farmer cooperators statewide who conduct field demonstrations and participate in peer-to-peer networking as part of the project’s targeted educational programming.

The project will involve water quality modeling for estimating pollutant load reductions, as well as water quality monitoring, to document the effectiveness of the practices demonstrated at

demonstration sites. The project will also prepare education materials for distribution to farmers statewide related to the social, agronomic, environmental, and economic aspects of crop residue management and other farm conservation practices.

The project aims to increase adoption of the demonstrated practices among Iowa farmers, and reduce sediment and nutrient loading from croplands to surface waters in the state. Contract funds will be used to support project staff, associated project costs, demonstration site establishment and monitoring costs.

Steve Hopkins will give the Commissioners information on the next field day in Fort Dodge – Smeltzer Farm tour.

Motion was made by Susan Heathcote to approve the contract as presented. Seconded by Paul Johnson. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

LINDA KINMAN, The Iowa Association of Water Agencies is comprised of both urban and rural drinking water utilities, which provide drinking water to approximately 50% of all Iowans. The source water for these utilities is a combination of surface water and groundwater.

Today you will be hearing about the challenges Des Moines Water Works (DMWW) has had this spring from increased ammonia levels in the Raccoon and Des Moines Rivers. These challenges included:

- ❖ Adjustments to the treatment process, to ensure drinking water is safe for consumers,
- ❖ An increase in the cost of treatment, due to the need for additional chemicals, an increase in cost that is endured by their consumers, and
- ❖ Hundreds of consumer complaints, due to the taste and odor of the finished drinking water.

The mere presence of a contaminant at any level severely compromises the public's confidence in the safety of their drinking water. Is this winter an anomaly? Maybe? Can it happen again? Of course it can. Do we accept it and just wait until next time? I don't think so, DMWW is very judicious about its operation, and can probably deal with another episode, but should they have to, is a question you will have to answer. I also want you to consider that if DMWW is required to treat at the top of its capacity for a contaminant, where does that leave many smaller utilities, with minimal treatment options, and especially those in communities that are not even required to test often enough to know they may have a problem?

Drinking water utilizes across the state are required to manage and treat ever increasing levels of high nitrates and bacteria, and now high levels of ammonia, treatments that increase the cost of

drinking water for Iowa consumers. In 2001, the American Journal of Public Health reported, that the Center for Disease Control estimates approximately 200,000 – 1.3 million Americans become acutely ill each year, and several hundred die from microbial contaminated water. How many of these could be Iowans?

Waste water dischargers are being required to upgrade or replace treatment facilities to meet water quality standards, even though their impact on improving water quality will be minimal, and again it is at a great cost to Iowans.

What's left is non-point source contamination – Non-point source contaminants are the largest source of contamination in Iowa's rivers, lakes and groundwater. Do we begin to regulate non-point source contributors, or will those responsible for contributing to non-point sources of contaminants step-up to the plate and make valiant efforts to change policies and practices? Changes that will reflect and ensure positive trends toward reducing non-point source contaminants? Bold changes that ensure non-point source contaminants will no longer reach our rivers, streams and groundwater, because further deterioration of Iowa's water quality is not acceptable to the citizens of Iowa?

I want to stress three or four points today, one is that DMWW will be presenting its experience and challenge with the ammonia episode this winter, but it is not the only utility experiencing these challenges. Drinking water utilities from the Mississippi to the Missouri River are having the same types of challenges, due to high ammonia levels.

Second, objectives of the Clean Water Act included, that the discharge of pollutants into the waters be eliminated by 1985. That's almost 25 years ago. The Clean Water Act also states that programs for the control of non-point sources of pollution be developed in an expeditious manner. Is 25 years or more how we define expeditious?

Third, Iowa Administrative Code Section 567-61.2(2) a. states, "It is the policy of the state of Iowa that: Existing surface water uses and the level of water quality necessary to protect the existing uses will be maintained and protected." And, Iowa Administrative Code Section 567-61.2(1) states, "It shall be the policy of the (Environmental Protection) commission to protect and enhance the quality of all the waters of the state. In the furtherance of this policy it will attempt to prevent and abate the pollution of all water to the fullest extent possible consistent with statutory and technological limitations. This policy shall apply to all point and non-point sources of pollution." Commissioners, there are no technical limitation to keeping nitrates, ammonia, or bacteria out of Iowa's water resources - there are remedies, but until they are required of non-point source contributors, we will continue to see water quality deteriorate.

And, lastly, but most importantly, we always talk in generalities about water quality, costs to utilities, and protecting public health, but we tend to forget that this is about the people of Iowa, the impacts of these issues on the people of Iowa – the people who are paying a high price to assume that their drinking water will remain accessible, safe and affordable. The same people of Iowa paying taxes with the belief that government is responsible for providing safe water. The same people of Iowa who pay taxes that have subsidized practices for more than 20 years, practices which were supposed to protect water resources that continue to deteriorate.

And, lastly, but most importantly, we always talk in generalities about water quality, costs to utilities, and protecting public health, but we tend to forget that this is about the people of Iowa, the impacts of these issues on the people of Iowa – the people who are paying a high price to assume that their drinking water will remain accessible, safe and affordable. The same people of Iowa paying taxes with the belief that government is responsible for providing safe water; The same people of Iowa who pay taxes that have subsidized practices for more than 20 years, practices which were supposed to protect water resources that continue to deteriorate.

It's time to consider the people of Iowa and make progress toward changing Iowa's policies and practices to improve and protect our water resources. It is time to give Iowans the opportunity to again take pride in the quality of Iowa's rivers, streams and lakes. We need to create opportunities for long term profitability and sustainability for all Iowans by implementing sustainable water policies and practices. It is time to provide a unified voice to promote and educate for a sustainable, socially responsible, profitable and globally competitive Iowa for today and into the future. But none of this is achievable, if we cannot begin to drastically change how we abuse our water resources. A sustainable economy requires sustainable water resources.

I ask Commissioners today to begin a conversation, a conversation that does not begin with identifying problems, because the problems are known. Iowa needs your leadership to begin the conversation that lays out a plan for implementation of remedies, an implementation plan that may be voluntary or regulatory – an implementation plan that stresses the importance and urgency of improving Iowa's water resources – an implementation plan that begins today.

STEVE ANDERSON, from Milford Iowa, submitted the following comments:

I want to make you aware of the inaccuracies within the Use Assessment and Attainability Analysis (UA/UAA) that comes before you today. Although there may be more, I will only divulge what I have as facts. The process for the UA/UAA has had a rocky start. This process is a very serious matter. With the serious matter at hand and these potentially long standing designations, public comments from the affected areas are critical to ensure that proper guidelines are set for these water bodies. Not all the public comment is reaching this commission.

The facts that I present address only Milford Creek, in Dickinson County, Iowa. I was taken back when reading the Responsiveness Summary for Milford Creek and how the information is inaccurate or missing. The first mistaken information is with the post card interviews. The public comment analysis that has been given shows two interview post cards were returned. The Iowa DNR website for UA/UAA has four interview post cards scanned in for the public to view. With all the UA/UAA work being completed, this is a minor item but there is no comments showing how the data for the post card surveys were used in making the determination reached by Iowa DNR staff.

My next concern is with the internet surveys that were completed. Along with submitting written comments, I also took the on-line survey for Milford Creek. This was to ensure that

either way my knowledge of the waterway was submitted to the Iowa DNR for use in making the best determination possible. The Responsiveness Summary states no record of internet survey being completed. This became an unexpected test for handling of public comments to the commission and seems to have shown a weakness in the public comment process for the UA/UAA.

The last distressing issue to make you aware of is the total absence of the one public comment that should weigh heavily with the commission. The City of Milford, Iowa submitted public comment to the Iowa DNR to uphold the highest standards possible for Milford Creek. Milford Creek makes up the eastern boundary of most of the city. The city also has jurisdiction on the northern end of the creek from the outlet of the Iowa Great Lakes down past Iowa Great Lakes Sanitary District property. The Milford City Council knows how its citizens as well as tourists use this stream and to deny their knowledge is rejecting the entire premise of public comments.

I am aware the DNR staff had a very daunting task in changing the water quality standards across the state. This was the first step of moving forward with a long overdue process. I hope the next group of waterways is changed with improvements of how to assess the water bodies, how to work with the local communities better, and to take serious all comments submitted.

I hope that you will take in consideration these comments and concerns and not lower the water quality standards for Milford Creek. Locally we want this creek to maintain a 1A status because it is capable of holding this standard and is currently used according to those guidelines set by the Iowa DNR. If this needs a new assessment or to be further studied so you can make a better informed decision I think that would be acceptable to the local community.

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NEILA SEAMAN, president of the Iowa Chapter of the Sierra Club said that they are glad to see that the stream mileage increased for better water quality protection. We appreciate all of the hard work done by the department.

We are seeing a discrepancy between the DNR's recommendations and some of the comments submitted. We are still in the process of contacting our members to ensure that their comments were addressed. Our main concern is with Beaver Creek above Johnston, where comments about children's play and swimming did not result in a recommendation to change or protect for recreational uses of A1 or A3. The DNR reported that these activities took place but only occasionally, therefore resulting in an A2 designation. Why is frequency even considered? This is one example of the 292 stream segments that we are reviewing. Please postpone any decision on these designations until the May meeting. This will give more time for a thorough review.

VIRGINIA SOELBERG, from Johnston. I have concerns with Beaver Creek and the A2 designation. I have friends that paddle Beaver Creek. We have a variety of water quality monitoring results posted on-line. I really feel that it warrants an A1 or A3 protection. Children's play does happen there. I see it.

There are plans for a canoe launch in the next couple of years. We have been promoting recreational use on Beaver Creek. These stream segments should be elevated for a higher protection.

MARIAN GELB, Executive Director of the Iowa Environmental Council commended the DNR for the large amounts of work put into the analysis. We also appreciate the revisions to many stream segments after listening to public comment.

We have spent some time researching the streams that will be downgraded. We have contacted many people in the area for further comment and review. As we have gone through the detailed screens we have noticed some concerns with the process. We are asking you today to delay the final decision until next month.

Issues:

- ❖ We have comments that recreation takes place in certain areas of streams that are not documented in the DNR's notes.
- ❖ Low frequency use was a reason for certain streams to remain as A2. Frequency should not be an issue. If it's attainable it should be protected.
- ❖ DNR did not designate streams for higher protection during the high flow times when streams would be used for recreation.
- ❖ Some streams were not designated for primary contact recreation even though comments established use for aquatic education and other water testing. (Clear Creek, Iowa County)
- ❖ Some streams are split up with different designations. I assume this is an oversight. The middle section should be attainable and designated the same as the upper or lower part.

We respectfully request that you delay this decision.

JERRY PECKUMN farmer from Jefferson said that he hopes that the current commission members have no regrets when it comes to protecting the environment.

Mr. Peckumn passed around pictures of fields that had manure spread on the frozen top soil. According to Mr. Peckumn, the pictures showed pellets of potassium, chloride and ammonia fertilizer running off into the ditches. They are polluting our rivers and lakes. I would like to talk to an agronomist, financial consultant, or environmental consultant that would recommend this practice. Maybe you should ask where this should be appropriate in Iowa? Is there any area that doesn't drain into a waterway? We are sending billions of nutrients downstream to the Gulf of Mexico.

Henry Marquard agreed that something needs to be done in regards to applying commercial fertilizer on frozen ground.

SONIA SKIDMORE, ICCI member addressed a proposed hog confinement in Taylor County.

Several CCI members and other local residents in northern Taylor County/southern Adams County are faced with a situation that threatens their health and water quality. Their neighborhood faces 6 hog factories proposed by Swine Graphics Enterprises of Webster City.

The first site is in close proximity to several neighbors, including 1 neighbor on a respirator who has several health issues including 3 heart attacks in the last year. The local residents are very upset about this.

A neighbor's house was demolished and buried on this first site four years ago. The man who lived there for most of his life – says the siding of the house was made of asbestos. If Swine Graphics breaks ground for construction, dangerous toxins will be released in the air, causing a serious health hazard for neighbors and workers. We expect them to begin anytime. But neighbors are concerned that there will be no oversight. We are asking DNR and EPC to communicate with OSHA officials and possibly require that a supervisor be present during the excavation.

Another concern - please wait until May to make a final decision on the stream designations.

I would also support the ban of manure applied to frozen ground. It's extremely wasteful and damaging to the environment.

Thank you for your time and consideration.

JACK TROEGER, retired earth science teacher from Ames asked that the Commission postpone the stream designation decision today. Air is the first need that we have. Good quality air. Water is the second need that we have and we can not afford to skimp on water quality. We need to make decisions that do not compromise for Earth. No excuses, No exceptions, No compromises! Earth will not compromise with us.

ROSEMARY PARTRIDGE, from Wall Lake said that several of the streams in her area have been considered in this rulemaking. I have submitted a letter with my concerns with certain streams. DNR has sent me its response on why it made certain designations but I'm back again.

How can you protect only a certain portion of a stream but not the whole thing? I'm concerned with Cedar Creek, the portion that runs through Sac County. I see tubers floating the creek, which is often referred to as Cedar River. I think the DNR needs to take another look at Cedar Creek. Don't vote this stream for a lower designation. This creek is heavily used.

Odabolt Creek in Ida County also needs a higher protection. There is a festival in celebration of the creek every year which attracts many kids and there's no protection.

All of these streams need higher protection. Children and adults go well with water.

STEVE VEYSEY, from Ames with the Hawkeye Fly Fishing Association said that if there's kid's play then only A3 can be considered as a designation. DNR is using a depth criteria even

though it's not in the protocol. It's 19 inches at summer time base flow. A lot of the comments that have come in stating there is kid's play have been rejected by the DNR because when DNR did its assessment it was only 6 inches deep. . Depth should not be used as a factor.

Will an A2 designation ever lead to disinfection? Iowa law forbids us in having rules more strict than EPA. EPA does not require numeric criteria for secondary contact. It will be taken out of our rules. Unless we are inclusive and leave them as A1, primary contact activities and the circumstances in which they occur will not be protective when the permits are written.

Aquatic life protection. Most of the streams are going from WW1 to WW2, yet as you go through the public comment, fishing was listed as a use. Marion Conover, Bureau Chief for fisheries stated that most people catch fish and eat them. People are harvesting fish for consumption. WW2 assumes that there is no human health risk in eating of the fish. DNR has totally ignored all of the instances of fishing.

Existing uses vs. attainable uses. One of the mechanisms that will be used to implement these new standards is variances. Variances will be given to communities so that they won't have to implement the rules right away. The idea that existing uses is not present in any of the streams is very disturbing to me.

Recreational uses are occurring and the streams need to be protected.

Susan Heathcote asked about the aquatic life designation.

Adam Schnieders explained that the protocol is for recreational uses.

Susan Heathcote asked that we look at BW streams.

MIKE DELANEY, President of the Raccoon River Watershed Association testified that he swims in the Raccoon River two miles north of HWY 44. My children and grandchildren have swam and waded in the same area. I have also witnessed teenagers on inner tubes in the North Raccoon just below HWY 44. I also eat the fish from the Raccoon River.

I have also witnessed people in the Cedar Creek along a sand bar south of the road that goes west out of Churdan. We were able to see them from an airplane in the summer of 2007.

Our board recently took a position regarding the application of fertilizer on frozen ground. We are not opposed to animal production, we just feel they can do better with the quality of water. We would like to see the nutrients applied to the ground to be taken up by the plants.

Our organization is promoting the recreational use of the river. All of the river should be swimable and recreationable.

Other comments regarding recreational use on the Raccoon River:

Marion Lehman – I use ALL of the Raccoon Rivers to paddle, fish & wade as well as Panther Creek – I like on K ave – I am one of the affected home owners (nightmare lake) ...I am also in Central Iowa Paddlers!

Kay Martin – Our family swims and wades at a spot called Harmon’s Riffle, which is about 2 miles west of the P-58 bridge over the South Raccoon. Other spots are Pleasant Valley and wading in Panther Creek, mostly where it enters into the South Raccoon.

Kay and Jamie Martin – Our children and grandchildren have been wading and also swimming in the South Raccoon. This is either in back of our home which is on a ridge South of Pleasant Valley with a path to the river where there is a good riffle in low water, or at Pleasant Valley itself. Also, on canoe trips down the river I know that some swim on a hot day.

Julie Turner – My husband and I wade in Panther Creek 1.5 miles south of HWY F60.

DON PROBST, from Des Moines said that he helped clean up the north Raccoon River and we were completely immersed in water. I also witnessed wading, canoeing, swimming and tubing. This is an extremely used river.

Sac City Creek is also used a lot. We need to clean up our act before it’s too late.

CHARLOTTE HUBBELL, EPC Commissioner submitted the following comments:

The Department is to be commended for their attention to detail in the almost 500 page Stream Specific Public Analyses and Responsiveness Summary. They have been given an extremely difficult task by the Legislature to assess all of Iowa’s water bodies in a short period of time. We appreciate their dedication to see this project through. Nevertheless, several things concern me:

1. The Department seems to have shifted the burden of proof onto the public to prove exactly where and how often the location of reported activities has taken place on a given stream segment in order to be protected as A1 or A3. Time and again we read “an exact location was not given” (Beaver Creek – Lake Mills) or “it is difficult to determine if the activities are taking place at a frequency to warrant a class A3 ... designation.” (Bear Creek – Shellsburg). Or “Although children may occasionally recreate in the stream it is not felt to be at a frequency that would warrant a class A3 ... designation.” (Beaver Creek – Granger). This despite several comments from people who said children play in Beaver Creek. The South River in Truro received 6 public comments. Several stated that child’s play occurred in the river, but because no specific locations or frequency of the activities were given, the Department decided to leave the classification as A2. It would seem to me that a stream is, in most cases, either A1 where the depth and flow allow swimming and recreational canoeing, or A3 where shallow depth and low flow allow child’s play.

Perhaps the reason why the Department is using this “frequency” test is because they continue to adhere to the notion that child’s play must be “common” or “frequent” around a **particular** water body before it receives protection under A3 standards. I have expressed concern about this test before. The statement by the EPA that “Child’s play in and around water is a common

activity” is meant to be a recognition that children are, indeed, attracted to water whether it be a pool in someone’s backyard or a stream in the city or country. Since we know that children are attracted to water, the assumption should be that children **will play** in or around water. Consequently, we should assume that children will find their way to a stream unless other dangerous conditions exist (e.g., it is too deep or too fast). I do not believe that the public needs to prove “frequent” use of a particular stream by children in order to be classified as A3.

2. There seems to be a lot of subjectivity and inconsistency in the assessments. Durion Creek is changed to A3 based on one public comment that “children’s play was witnessed but frequency was not given” to Competine Creek in Packwood where one observer says “kids play in the Creek” but the Department finds an overall “lack of evidence” to justify an A3 classification.
3. The Department is still using water quality criteria as a determinative factor in deciding whether an “existing use” should be protected. EPA guidelines are just that. Guidelines. They do not have the force and effect of law, and, as such, they are not required to be followed if a state feels they are not appropriate for application in a specific instance. If we use this EPA guideline as our standard, I believe we will be adopting a convoluted interpretation of the definition of “existing use”. If I understand what the Department is suggesting, they could say, for example, that “swimming in the Yellow River is not an ‘existing use’ (absent current evidence that it is being used for that activity) because in 1976, when I swam in the Yellow River, the water quality was such that I shouldn’t have been swimming in it the first place”. Such a convoluted interpretation clearly seems to turn the directive of the Clean Water Act on its head. Many waters in 1975 were polluted, and, as we all know, the CWA was enacted to correct that situation. It’s interesting to note that the Department never uses “existing use” as a reason to classify a stream as A1 or A3. They seem to have written it out of the law and instead rely on current, observable uses that can be seen and transcribed or statements from observers that people **presently** recreate in a stream. The history of a stream’s use going back to November 28, 1976 as required by the CWA is not taken into account anywhere that I could find in the Analyses.
4. The Department has not adopted clear guidelines for determining whether canoeing is an activity warranting an A1 or A2 classification. They quote the Iowa Administrative Code which includes “water contact recreational canoeing” as deserving of primary contact designation and an EPA draft “Implementation Guidance for Ambient Water Quality Criteria for Bacteria” in which canoeing is deemed secondary contact. The distinction between the two seems to be based on the intent of the canoer. Since we can never know the intent of any individual canoer, we must assume it is the intent of every canoer to engage in water contact recreational canoeing. In other words, we must protect for the highest possible use. It is unclear in the stream analyses which definition is being used.

I also question a protocol or the interpretation of data collected by a protocol that allows 47 out of 194 streams to be classified wrongly. That is a 25% correction rate. How can we have confidence in a process that fails to classify 25% of streams accurately the first time around?

I understand the DNR is anxious to conclude rulemaking with regard to these streams so they can issue NPDES permits for discharging facilities. But we shouldn't do so if it means lowering health protections for the public, and particularly children, who will be recreating in these streams. Once we classify a stream as A2, the burden of proof shifts to the public to show that a stream's use has been inaccurately assessed or has changed so as to justify an A1 or A3 classification. My fear is that this will be difficult to do. It will be time consuming, costly, and, possibly, intimidating for the public.

-----End of Public Participation-----

PRESENTATION ON WATER MONITORING ACTIVITIES IN THE RACCOON BASIN

Presentation was given in partnership by:

Elizabeth Hill, Ecologist at Whiterock Conservancy

Chris Jones, from Des Moines Water Works

Roger Wolf, Iowa Soybeans Association and ACWA

DNR Field Office Four

Opening remarks were given by Elizabeth Hill.

Chris Jones said that Des Moines Water Works uses water from the Raccoon River and it has the highest concentrate of nitrates. There are 5 million acres up stream of Des Moines. The source water is probably the most important asset.

Ammonia concentrations at DMWW's two river intakes (Des Moines and Raccoon) have been at record- or near record high levels for nearly a month. Likewise, organic carbon levels have been extremely high coincidental to the high ammonia level. There has been some thought that this is due to the below-normal cold and above-normal snowfall of the past winter. Periodic warm spells throughout the winter presumably enable agricultural waste and decaying natural vegetation to gradually get washed off the landscape over many months, reducing the springtime contaminant peaks observed in the rivers.

It's clear that there is a major contributor from these ammonia odor. Through scientific testing, it has indicated that manure is a large source of this. We also believe that mineral fertilizers may have played a role in this ammonia episode. Human waste was not the primary cause. Ammonia greatly increases the need for chlorine for disinfection and a lot of other related issues. We need to be thinking about the cost of a sustainable supply of reliable drinking water. What expectations should our customers have and what is the bottomline cost that they should pay?

In conclusion, the role of the water utility is not only to provide clean and safe water to its customers. It's also our role to have our customers believe that the water is safe and clean. That is a tall order when our customers can see and smell the river running through Des Moines. That is why we need the help of our partners. We need change now.

Roger Wolf, from the Iowa Soybean association and ACWA gave a power point presentation on Agriculture Leadership in the Raccoon River Watershed. The full presentation can be viewed at <http://www.iowadnr.com/epc/index.html>

Henry Marquard asked why there was a spike this year in ammonia.

Roger Wolf said that his speculation would be the combination of snow pack, acute manure situations in certain areas and the combination of cold weather. There were elevated ammonia levels all over the state.

Dan Stipe, DNR field office supervisor along with his field staff gave a PowerPoint presentation on the Raccoon River Watershed. The full presentation can be viewed at <http://www.iowadnr.com/epc/index.html>

Henry Marquard stated that there needs to be more field staff and resources.

Barb Lynch went over the Brushy Creek and Elk Run watersheds and the number of CAFOs and open feedlots.

INFORMATIONAL

Ann Lavity, Regional Water Quality Coordinator from US EPA Region VII office said that it is important to note that deep pools of water will be sought after by swimmers. We have reviewed 20 UAAs from the DNR and responded in a letter. We did mention that there needs to be consistency amongst the characterization of stream segments amongst the UAAs. If there is significant amount of comments on child's play, then it needs to be considered as part of the final recommendation. Flow data is something else we've commented on and we will be working in conjunction with the DNR. Another issue is the split segments, that is something that we would need to discuss further with the DNR.

We are glad to hear that the DNR split out the Human Health fish consumption. We do recommend that DNR follows up with EPA since this is a very important issue.

FINAL RULE – CHAPTER 61 – WATER QUALITY STANDARDS (STREAM RECLASSIFICATIONS VIA USE ASSESSMENT AND USE ATTAINABILITY ANALYSES)

Charles C. Corell, Chief of the Water Quality Bureau presented the following information.

Chuck Corell gave a PowerPoint presentation on the UAA final rule. The complete presentation can be viewed at: <http://www.iowadnr.com/epc/index.html>

The Commission will be asked to approve a final rule to amend the state's water quality standards (WQS). The rule amendments, if approved, would:

1. Revise and list approximately 108 river and stream segments as Class A2 Secondary Contact Recreational Use designated waters in the rule-referenced document "Surface Water Classification."
2. Revise and list approximately 137 river and stream segments as both Class A2 Secondary Contact Recreational Use and Class B(WW-2) Warm Water-Type 2 designated waters in the rule-referenced document "Surface Water Classification."
3. Revise and list 4 stream segments as both Class A2 Secondary Contact Recreational Use and Class B(WW-3) Warm Water-Type 3 designated waters in the rule-referenced document "Surface Water Classification."
4. Revise and list 12 river and stream segments as both Class A3 Children's Recreational Use and Class B(WW-2) Warm Water-Type 2 designated waters in the rule-referenced document "Surface Water Classification."
5. Revise and list 28 river and stream segments as Class A3 Children's Recreational Use designated waters in the rule-referenced document "Surface Water Classification."
6. Revise and list 5 river and stream segments as Class B(WW-2) Warm Water-Type 2 designated waters in the rule referenced document "Surface Water Classification."
7. Revise and list 9 stream segments as Class B(WW-2) Warm Water-Type 2 and no recreational use designated waters in the rule-referenced document "Surface Water Classification."
8. Revise and list 1 stream segment as Class B(WW-3) Warm Water-Type 3 and no recreational use designated waters in the rule-referenced document "Surface Water Classification."

The concept of Use Assessment and Use Attainability Analysis (UA/UAA) is being applied by the DNR as a step-by-step process to gather site-specific field data on stream features and uses. The DNR then assesses available information to determine if the "presumed" recreational and aquatic life uses are appropriate.

The DNR elected to perform a UA/UAA on any newly designated stream that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing a NPDES permit for an affected facility, the DNR must complete a UA/UAA for the receiving stream or stream network. Each use designation revision recommendation proposed in the NOIA has an associated UA/UAA that is available on the department's web site at: <http://programs.iowadnr.gov/uaa/search.aspx>

The adopted amendments have been modified from those published in the NOIA, including specific changes to 47 stream segments. The modifications were made after all comments from the public comment process were considered.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on October 24, 2007 as **ARC 6351B**. Six public hearings were held across the state throughout November 2007. Approximately 1,260 persons or groups provided oral or written comments on the proposed WQS revisions. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved.

Comments from stakeholder groups and other persons or organizations may be made at the Commission meeting regarding the rule changes. As discussed in the Responsiveness Summary, the Department believes that the rule changes will be protective of water quality and the uses being made of Iowa waters.

Chuck Corell went through the stream classifications and what they were meant to protect. We feel that A2 streams will protect kids.

Charlotte Hubbell said that that kids are different from adults when it comes to playing in streams. There is no argument that will convince me otherwise.

Paul Johnson said that kids will play in six inches of water and they do ingest the water. It happens.

Susan Heathcote said that she is concerned with the streams that received no comments especially those that run through a town. What does the Department do in that situation?

Adam Schnieders said that not all streams go directly through a town, many are on the outskirts. A2 seemed to be the most appropriate attainable use.

Susan Heathcote was specifically concerned with Milford Creek in Dickinson County. When the stream assessment was done, it was during low flow. There are reports of canoeing and swimming and I would ask that the Department reconsider.

Adam Schnieders said that it was assessed at summer flow and there was discharge at that time.

Due to the lack of time, the commissioners needed to postpone the final decision until next week.

Motion was made by Charlotte Hubbell to table the final rule – Chapter 61 until the special meeting next week – Wednesday, April 16th. Seconded by Susan Heathcote. Motion carried unanimously.

TABLED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

BBR, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Pen alty	Referred Petition Filed Motion for Leave to Amend Order Granting Leave Amended and Substituted Petition Trial Date	9/19/06 4/18/07 6/12/07 6/18/07 6/18/07 9/16/08
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed Trial Date	6/19/06 2/01/07 10/01/08
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred	11/14/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Cohrs, Bernard; Construction Dickinson Co. (3)	Cohrs Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	11/14/06 9/20/07
Creston Bean Processing, LLC Creston (4)	Air Quality	Operational Violations; Monitoring/Re porting	Referred to Attorney General	Referred	9/04/07
Des Moines, City of; Metropolitan Reclamation Authority (5)	Wastewater WW	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal;	Order	Referred Petition Filed Motion for Partial	9/19/06 1/23/07 6/08/07

			Operation Without Permit	Summary Judgment Hearing on Motion Proposed Ruling by State Ruling Granting Partial Summary Judgment Trial Date on Civil Penalties	7/09/07 8/10/07 9/24/07 2/19/08		
Environmental Co., Inc. Dwight Oglesbee Masena (4)	Recycling	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	12/05/06 9/20/07	
Equitable L.P/The Condos Des Moines NEW	Equitable (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/11/08	
Feinberg Corp., Ft. Madison (6)	Metals Recycling	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07	
Flying J, Inc.; CFJ Plaza Co. II, LLC; and CFJ Properties Clive (5)		Underground Tank Wastewater	Remedial Action; Prohibited Discharge; Pollution Prevention Plan Violations	Referred to Attorney General	Referred	11/07/07	
Garrett Industries Waterloo (2)	Corporation; Delta	Air Quality	Construction Without Permit; Construction Contrary to Permit	Referred to Attorney General	Referred	1/02/07	
Golden Oval Eggs LLC Thompson (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	12/05/06 3/29/07	
Kruse Dairy Farm, Inc. Dyersville (1)		Animal Feeding Operation	Failure to Submit Plan	Order/Pen alty	Referred	12/19/05	
Landfill of Des Moines #4 Des Moines (5)		Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred Petition Filed Trial Date	4/17/06 1/23/07 8/05/08	
Leigh, Marsha		Air Quality	Open Burning;	Order/Pen	Referred	9/20/04	

April 2008

Environmental Protection Commission Minutes

Glenwood (4)	Solid Waste	Illegal Disposal	alty	Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Lincolnway Energy, Inc. Nevada (5)	Wastewater	Discharge Limits	Referred to Attorney General	Referred	12/04/07
Matrix Metals d/b/a Keokuk Steel Castings, Co. Keokuk (6)	Air Quality	Particulate	Referred to Attorney General	Referred	9/04/07
Miller Products Company Osceola (5)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/05/06
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed Trial Date	2/20/06 12/11/06 5/21/08
Oakland Foods, LLC Oakland NEW	Wastewater (4) Air Quality	Permit Violations; Construction Without Permit	Referred to Attorney General	Referred	3/11/08
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00

Partial Judgment 12/12/02
 (Clean-up Order) 2/20/03
 Contempt Application 2/20/03
 Contempt Hearing
 Date
 Contempt Finding and 7/09/03
 Civil Penalty 8/01/03
 (\$100,000 and 30
 Days in Jail – 8/01/03
 Suspended until 8/20/03
 7/8/03) 9/18/03
 Hearing Regarding 4/16/04
 Contempt 12/10/04
 Order Regarding
 Bond/Cleanup 1/05/05
 Deadline
 Bond Posted 8/15/06
 State Objections to
 Bond
 Ruling Denying
 Objections to Bond
 Status Hearing Date
 Hearing on Motion to
 Extend Cleanup
 Deadline
 Order Reinstating
 \$100,000 Civil
 Penalty
 Site Clean-up
 Completed

Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred to Attorney General	Referred	4/17/06
				Petition Filed	12/11/06
				Motion for Partial	10/02/07
				Summary Judgment	1/07/08
				Consent Decree (\$2,250/Civil; Injunction)	

Pellett Chemical Co., Inc. Wiota (4)	Underground Tank	Failure to Submit Tier 2 Site Assessment	Referred to Attorney General	Referred	6/19/06
				Petition Filed	3/29/07
				Defendant's Motion to	4/24/07
				Dismiss	4/27/07
				Resistance to Motion	5/14/07
				to Dismiss	5/14/07
				Hearing on Motion to	
				Dismiss	6/08/07
				Ruling for State	8/20/07
				Denying Motion	9/17/07
				to Dismiss	
				State's Motion for	
				Summary Judgment	
				Motion for Partial	
				Summary Judgment	
				Ruling Granting	
				Partial Summary	
				Judgment	

River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater Pollution Prevention Plan Violations; Water Quality Violations	–	Referred to Attorney General	Referred	4/03/07
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– General Criteria

Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Pena lties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temp orary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition Order Granting Judgment on Default (\$10,000/civil; injunction)	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06 1/04/08
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/03/07 9/20/07
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
Siouxland Energy & Livestock Coop Sioux Center (3)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/04/07
Sioux Pharm, Inc. Sioux County (3)	NEW Wastewater	Operational Violations	Referred to Attorney General	Referred	3/11/08

Environmental Protection Commission Minutes

April 2008

SNF, Inc. dba Brand FX Body Company Pocahontas (3)	Air Quality	Operational Violations	Referred to Attorney General	Referred	9/19/06
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operati on	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment Ruling Denying Motion for Summary Judgment Application for Interlocutory Appeal Memorandum in Support of Interlocutory Appeal Application Denied Motion for Separate Trial Hearing on Motion for Separate Trial Order Granting Separate Trial Trial Brief Reply Brief Trial Date Ruling for State Application for Interlocutory Appeal Supreme Court Order Denying Interlocutory Appeal	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06 6/19/06 10/04/06 11/03/06 11/03/06 1/08/07 1/22/07 3/05/07 3/14/07 4/06/07 4/13/07 4/16/07 9/17/07 10/18/07 1/29/08
Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinkin g Water	Operation Without Permit; Monitoring/Reporti ng – Bacteria; MCL – Bacteria	Referred to Attorney General	Referred Petition Filed Demand for Default Order Granting Judgment on Default (\$5,000/civil; injunction)	11/14/06 5/03/07 8/16/07 10/09/07
Welch Oil, Inc.; Boondocks USA, Inc. Lucas Co. (2)	Wastew ater; Drinkin g Water	Monitoring/Reporti ng	Referred to Attorney General	Referred	12/04/07
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to	Referred Petition Filed	4/03/07 9/21/07

Attorney	Contempt	9/21/07
General	Application Filed	11/05/07
	Contempt Hearing	11/29/07
	Ruling on Contempt	2/18/08
	Application	2/18/08
	(90 days jail	
	suspended/\$500 fine)	
	Compliance Hearing	

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period February 1, 2008 through February 29, 2008, 11 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '07	10(3)	0.147	0.004	2	0(0)
November '07	8(3)	3.697	0.027	3	0(0)
December '07	9(11)	0.365	0.048	2	0(0)
January '08	6(7)	0.725	0.001	0	0(0)
February '08	11(34)	0.280	0.255	2	0(0)
March '07	14(12)	0.162	0.011	3	0(0)
April '07	22(12)	0.393	0.068	5	0(0)
May '07	8(11)	0.565	7.386	1	0(0)
June '07	11(9)	0.059	0.001	2	0(0)
July '07	14(9)	0.389	0.045	7	0(0)
August '07	8(15)	0.108	0.317	3	0(0)
September '07	18(9)	0.203	0.039	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	1	0	2	2	5

4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens' attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens' attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Book	1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed. Hearing rescheduled for 11/25/07 12/07-Proposed Decision. Penalty was reduced to \$1500. 3/17/08 - Mr. Witt appeals proposed decision.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Hearing set for 12/04/07. 11/27/07 – DNR files motion for default entry. 12/21/07 – Default entry/Proposed Decision. No appeal
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 3/15/04 – Letter from facility attorney regarding

						proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ standards rules. 8/07 – Petition and Answer filed with DIA. Hearing continued to January 7, 2008 at request of MHP attorney. . Hearing continued. Project initiation meeting held on 1/9/08 to discuss project.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Hearing rescheduled for 11/8/07. Settlement likely, hearing continued pending finalized settlement.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance. 11/06 – Facility building burned down, facility closed. 5/07- Dept. letter to attorney about resolving appeal. 5/25/07 – Settled. Consent order sent to attorney to be signed. 7/07- At request of attorney, CO sent to John Schmall for signature. 10/30/07 – Revised consent order sent to Mr. Schmall.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent

						Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Hearing rescheduled for 11/1/07 at request of U of I. Reset again for 12/21/07 at request of U of I.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	5/07 - Dept. letter to City regarding setting case for hearing. 6/26/07 – Sent to DIA to be set for hearing. Hearing set for 11/16/07. City requested continuance due to schedule conflict. Hearing reset for 12/11/07. 12/12/07 – Settled. Consent order signed by City and Director. Case closed. Awaiting penalty payment.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – FO inspection of plant. Hearing set for 10/29/07. 8/07 – Petition and Answer filed. Company requested continuance. Reset for 1/22/07. 12/18/07 – Meeting scheduled. Meeting rescheduled for 2/13/08. Hearing reset for 3/28/08.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.

8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Negotiating.
10/06/06	Ted Dickey dba Dickey Farms	6	Order/Penalty	AQ/S W/AF O	Book	Settled. Amendment signed by the Director, awaiting clean up and penalty payment.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/WW	Tack	Hearing set for 4/7/08.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/11/07	Bedrock Gravel	3	Order/Penalty	AQ\S W	Tack	Amended Order issued. Hearing will be requested when new parties are served.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.
6/15/07	Phoenix C & D Recycling, Inc.; and R & A Properties	5	Beneficial Use Determination	SW	Tack	Consent order entered. Cased dismissed on 3/18/08.
6/19/07	Goldsmith and Son, Inc.; John E. Goldsmith; Patti R. Goldsmith; and J & G Pallet, LLC	3	Order/Penalty	WW	Hansen	7/07- Facility returned to compliance. To be set for hearing.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.
8/10/07	Tate & Lyle Ingredients Americas	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/10/07	Port Louisa Land Co.; E. A. Hicklin	6	Variance Denial	FP	Clark	Negotiating before filing.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
11/05/07	Twin Knolls 6 th Addition	1	Permit Conditions	WS	Hansen	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permit # 97-A-140-S2	AQ	Preziosi	Negotiating.
11/15/07	Alcoa	6	Permit Conditions; Permits #85-A-067P-S2; #87-A-045P-S2; #89-A-177P-S2	AQ	Preziosi	Negotiating.
11/15/07	Gary West		Permit Denial	AFO	Clark	Negotiating before filing.
11/16/07	Justin Cooper		Permit Denial	AFO	Clark	Negotiating before filing.

11/26/07	Larry J. Fishback	6	Order/Penalty	WW	Schoenebaum	Negotiating before filing.
1/14/08	Alliant Energy	1	Permit Conditions	AQ	Preziosi	Negotiating.
1/22/08	Des Moines County Regional Solid Waste Commission	6	Permit Condition; #29-SDP-01-76P	SW	Tack	Negotiating before filing.
2/07/08	Glenn Goodsell	5	Licensee Discipline	WS	Wornson	Hearing set for 5/5/08.
2/22/08	Cliff's Place	1	Monitoring/Reporting – Bacteria; Nitrate; Public Notice	WS	Hansen	New case.
2/26/08	Bell Air Betterment Corporation	3	Permit Condition	WS	Hansen	New case.
2/28/08	Snap-On Tools Mfg. Co.	2	Termination from Land Recycling Program	HC	Mullen	New case.
3/10/08	Anthony Herman; Mighty Good Used Cars	5	Stormwater – Operation Without Permit	WW	Tack	New case.

DATE: April, 2008

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Atlantic, City of (4)	Wastewater	Compliance Schedule	Consent Order Stip. Penalties	2/18/08
Richard Steen; Jeff Behrens, Montgomery Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Order/Penalty \$8,000	2/19/08

Timothy Maxwell Muscatine Co. (6)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$2,500	2/20/08
Goldsmith and Son, Inc.; John E. Goldsmith; J & G Pallet, LLC Sergeant Bluff (3)	Wastewater	Prohibited Discharge	Amended Order	2/20/08
Chris Hunt; Steven Hunt; dba Hunt Brothers Feedlot O'Brien Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement	Consent Order \$3,500	2/26/08
Wellman Dynamics Corp. Creston (4)	Wastewater	Prohibited Discharge; Water Quality Violations – General Criteria	Consent Order \$7,500	2/27/08
Bedrock Gravel, Inc.; Blake Wirtjers; Buster Wirtjers; James Wirtjers Buena Vista Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Amended Order \$10,000	2/29/08
Pheasant Ridge Farms, Inc. Pottawattamie Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; Water Quality Violations – General Criteria	Consent Order \$9,000	3/03/08
Condev Inc.; Curtis and Kelly Tracy, Union Co. (4)	Animal Feeding Operation/Solid Waste	Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations – General Criteria	Consent Order \$10,000	3/07/08
Woodbury County; Prairie Hills Public Water Supply Sioux City (3)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrogen; Public Notice	Consent Order \$6,450	3/7/08
Randy Kennedy; R K Construction & Demolition, Slater (4)	Air Quality	Asbestos	Consent Order \$2,000	3/12/08
Ted Dickey; Dickey Farms Muscatine (6)	Animal Feeding Operation/Air Quality/Solid Waste	Illegal Disposal; Open Burning; Failure to Empty Discontinued Facilities	Consent Amendment \$4,000	3/12/08
Dial – Whispering Creek Estates, LLC Woodbury Co. (3)	Wastewater	Stormwater – Pollution Prevention Plan Violations	Consent Order \$8,000	3/13/08

1. Ch. 20-23, 25, 33 – AQ Program Rules – Updates, Revisions and Additions	12/04/ 07	1/02/0 8	6517B	1/07/0 8	2/04/0 8	2/05/08	4/08/0 8	*4/08/0 8	*5/07/ 08		*6/10/ 08	*6/11/ 08
2. Ch. 61 – WQ					11/15,							

River and Stream Segments	10/01/07	10/24/07	6351B	11/13/07	20, 27, 30/07	12/11/07	*5/13/08	*5/13/08	*6/04/08		*6/10/08	*7/09/08
3. Ch. 64 – Wastewater Construction and Operation Permits	12/04/07	1/02/08	6521B	1/07/08	1/24/08	1/24/08	*5/13/08	*5/13/08	*6/04/08		*6/10/08	*7/09/08
4. Ch. 65 – Regulatory Analysis; Liquid Manure/Soybeans	9/04/07	9/26/06	6250B	10/09/07	10/16/07	10/16/07	3/11/08	3/11/08	*4/09/08		*5/06/08	*5/14/08
5. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	1/15/08	2/13/08	6596B	3/04/08	3/04-06/08	3/06/08	*5/13/08	*5/13/08	*6/04/08		*6/10/08	*7/09/08

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period February 1, 2008, through February 29, 2008, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other Surface Water Impacts
October	10 (12)	1 (0)	5 (9)	1 (0)	2 (3)	8 (9)	1 (0)	0 (3)	0 (0) 2 (1)
November	10 (10)	0 (0)	5 (2)	0 (3)	5 (5)	9 (8)	0 (1)	1 (1)	0 (0) 2 (1)
December	4 (5)	0 (0)	3 (5)	0 (0)	1 (0)	3 (4)	1 (1)	0 (0)	0 (0) 0 (1)
January	1 (4)	0 (0)	1 (3)	0 (1)	0 (0)	0 (4)	0 (0)	1 (0)	0 (0) 0 (0)
February	3 (4)	0 (0)	2 (2)	0 (0)	1 (2)	2 (3)	1 (1)	0 (0)	0 (0) 0 (1)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0) 0 (0)
Total	28 (35)	1 (0)	16 (21)	1 (4)	9 (10)	22 (28)	3 (3)	2 (4)	0 (0) 4 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1 2 3 4 5 6

April 2008

Environmental Protection Commission Minutes

0 0 2 0 0 1

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period February 1, 2008, through February 29, 2008, 56 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance						Mode		
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	63 (52)	5 (5)	38 (34)	20 (12)	19 (14)	27 (29)	3 (0)	1 (3)	3 (2)	10 (4)
November	70 (60)	18 (13)	26 (30)	26 (17)	15 (19)	43 (27)	1 (2)	2 (4)	1 (1)	8 (7)
December	60 (28)	2 (3)	36 (20)	22 (5)	18 (5)	33 (18)	1 (0)	2 (2)	1 (0)	5 (3)
January	45 (37)	3 (4)	34 (21)	8 (12)	16 (11)	24 (19)	3 (3)	1 (1)	0 (0)	1 (3)
February	56 (49)	2 (6)	41 (37)	13 (6)	16 (6)	31 (35)	2 (1)	2 (3)	1 (0)	4 (4)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	294 (226)	30 (31)	175 (142)	89 (52)	84 (55)	158 (128)	10 (6)	8 (13)	6 (3)	28 (21)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
5	12	2	13	15	9

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: April 1, 2007

TO: Environmental Protection Commission

FROM: Ed Tormey

E00April-40

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	7,792	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
Charlotte Caves (Oskaloosa)	HC	9,487	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Robert L. Nelson (Orient)	UT	617	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	6,100	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04

Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Monty Branstad (Winnebago Co.)	AQ/SW	8,000	2-03-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co.)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
# Randy Rudolph (Audubon Co.)	AFO	3,500	11-06-06
Larry Bergen (Worth Co.)	AQ/SW	1,357	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
Colleen Weber (Mitchell Co.)	AQ/SW	1,500	6-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
# Brian Riesberg (Carroll Co.)	AFO	9,500	11-12-07
# Grand Prix Industries, Inc. (Kossuth Co.)	AFO	300	12-01-07
# Jim Christensen (Clay Co.)	AFO	6,000	12-27-07
# Leland Van Kooten; Darin Van Kooten (Leighton)	AFO	5,500	12-30-07
Muscatine County SWM Agency (Muscatine)	SW	4,000	1-03-08
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# JPP Pork, Inc. (Ainsworth)	AFO	3,000	2-09-08
Golden Furrow Fertilizer, Inc. (Agency)	HC	4,000	2-09-08
# Iowa Select Farms, LLP (Clarke Co.)	AFO	2,500	2-20-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Clinton Community School District	WW	3,000	2-25-08
Mike Barrett; Jody Barrett (Polk Co.)	SW	6,200	3-05-08
# Timothy Maxwell (Muscatine Co.)	AFO	2,500	3-20-08
Wellman Dynamics Corp. (Creston)	WW	7,500	3-27-08
# Pheasant Ridge Farms, Inc. (Pottawattamie Co.)	AFO	9,000	4-08-08
# Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	8,000	4-19-08
Woodbury Co.; Prairie Hills PWS (Sioux City)	WS	6,450	5-15-08

TOTAL 468,059

The following penalties have been placed on payment plans:

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
**Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
**James Boller (Kalona)	AFO	3,034	8-19-04
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
**Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#Dale Schumann (Buena Vista Co.)	AFO	1,000	8-01-06
#Galen Drent (Boyden)	AFO	1,510	2-01-07
#Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100	4-01-07
* Fred Miller; Earthworks Contracting (Quimby)	AQ	7,020	7-15-07
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
#Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#Eugene Reed (Washington Co.)	AFO	500	12-01-07
Jack Knudson (Irwin)	UT	10,000	1-15-08
* Fred Knosby (Cumming)	AQ/SW	2,650	3-15-07
#John Kauffman (Iowa City)	AFO	1,872	3-20-08
* John Danker (Lee Co.)	AQ/SW	1,665	3-22-08
#Charles F. Deering, Jr. (Postville)	AFO	1,250	3-30-08
#James Hogan; Hogan Brothers (Jones Co.)	AFO	1,456	4-01-08
#Rahn Eischeid (Carroll Co.)	AFO	2,500	4-01-08
#Meyer Bros.; Steve Meyer (Ida Co.)	AFO	5,625	4-01-08
#Neal Rupiper (Carroll)	AFO	2,438	4-10-08
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	8,587	4-11-08
* Craig Burns (Postville)	WW	2,150	4-15-08
* Chelsea, City of	WW	600	4-15-08
* Randy Kennedy; R K Construction & Demolition (Slater)	AQ	1,600	4-15-08
* Midway Water & Lighting Co., Inc. (Marion)	WS	200	4-20-08
#Loren and Rhonda Van Zante (Eddyville)	AFO	3,250	4-30-08
#Loren and Rhonda Van Zante (Eddyville)	AFO	3,900	4-30-08
# Doug Hymbaugh (Ringgold Co.)	AQ/SW	1,200	5-08-08
* Willey, City of	AQ/SW	2,000	6-01-08
#Schomers Cattle, LLC (Shelby Co.)	AFO	5,000	6-10-08
#Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)	AFO	2,495	9-01-08
#Joe Tomka (Carroll Co.)	AFO	1,750	12-01-08

TOTAL 93,977

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	Dallas County Care Facility (Adel)	WW	5,000
#	Doug Osweiler (South English)	AFO	5,000
#	Jeff Holland (Winnebago Co.)	AFO	5,500
	Carpenter Bar & Grill (Carpenter)	WS	10,000
#	Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
	LeMars, City of	WW	9,000
#	Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	4,000
	Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000

April 2008

Environmental Protection Commission Minutes

Bruce Piper; Piper Motor Company, Inc. (Bloomfield)	AQ/WW	10,000
Bedrock Gravel, In. (Buena Vista Co.)	AQ/SW	10,000
Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	10,000
Hidden Valley MHP; Larry Fishback (Washington)	WW	2,000
Cliff's Place (Waverly)	WS	5,800
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	7,500
TOTAL		102,550

The following administrative penalties have been collected:

AMOUNT	NAME/LOCATION	PROGRAM	
* Craig Burns (Postville)		WW	400
* Chelsea, City of		WW	200
* Fred Knosby (Cumming)		AQ/SW	398
#*Neal Rupiper (Carroll)		AFO	188
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)		AFO	277
* Midway Water & Lighting Co., Inc. (Marion)		WS	100
* John Danker (Lee Co.)		AQ/SW	139
Winterset, City of		WW	4,000
#*Loren and Rhonda Van Zante (Eddyville)		AFO	300
#*Loren and Rhonda Van Zante (Eddyville)		AFO	250
# Chris Dietrich; Dietrich Custom Pumping (Keokuk Co.)		AFO	4,000
#*James Hogan; Hogan Brothers (Jones Co.)		AFO	104
Doug Hymbaugh (Ringgold Co.)		AQ/SW	400
Whispering Creek Estates (Sioux City)		WW	8,000
* Craig Burns (Postville)		WW	200
#*John Kauffman (Iowa City)		AFO	208
#*Neal Rupiper (Carroll)		AFO	188
#*Loren and Rhonda Van Zante (Eddyville)		AFO	300
#*Loren and Rhonda Van Zante (Eddyville)		AFO	250
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)		AFO	277
* Chelsea, City of		WW	200
#*Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)		AFO	1,005
* Randy Kennedy; R K Construction & Demolition (Slater)		AQ	400
Cedar Rapids, City of		WW	3,000
* Midway Water & Lighting Co., Inc. (Marion)		WS	200
			24,984
		TOTAL	

The following penalty payments were collected by the Department of Revenue during the Month of February

Emer Carlson	AQ	100
Larry Bergen Jr.	AQ	43
TOTAL		143

Total Penalties Collected 25,127

INFORMATION

GENERAL DISCUSSION

Motion was made by Henry Marquard to direct the DNR to begin the process of a ban of manure on frozen ground. Seconded by Susan Heathcote.

Henry Marquard added that the DNR could decide what types of manure/fertilizer should be included in the ban.

David Petty said that there needs to be an informal discussion amongst Commissioners before any action should be taken in this area.

Motion was made by Henry Marquard to withdraw his motion and then asked to have this topic added to next month's meeting agenda. Seconded by Susan Heathcote.

Motion was made by Susan Heathcote to hold a special meeting to discuss the UAAs. Seconded by Ralph Klemme. Motion carried unanimously.

NEXT MEETING DATES

A special EPC meeting will be held on Wednesday, April 16 at 1:00PM at the Wallace State Office Building. The Commissioners were asked to have their lists of specific streams and why they feel it necessary to change the classification.

May 12, 2008 – Joint Natural Resource & Environmental Protection Commission meeting – Raccoon River Nature Lodge, West Des Moines

May 13, 2008 – DNR Air Quality Building, 7900 Hickman Rd., Urbandale

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson David Petty adjourned the meeting at 4:35 p.m., Tuesday, April 8, 2008.

Richard A. Leopold, Director

April 2008

Environmental Protection Commission Minutes

David Petty, Chair

Suzanne Morrow, Secretary

INDEX**A**

Adjournment, 46
 Adoption of Agenda, 1
 Anderson, Steve, 15
 Approval of Minutes, 1

C

Call to Order, 1
 Chapter 61
 Water Quality Standards (Stream
 Reclassifications via Use Assessment
 and Use Attainability Analyses)
 Final Rule, 24
 Chapters 20, 21, 22, 23 and 33
 Air Quality Program Rules –Updates,
 Revisions and Additions
 Proposed Rule, 8
 Chapters 20, 21,22, 23, 25, and 33
 Air Quality Program Rules - Updates,
 Revisions, and Additions
 Final Rule, 6
 Commissioners Present, 1
 Contract
 Nonpoint Source Pollution Control
 Project, 12
 Petroleum Tank Training Institute
 Compliance Inspector Training and
 Continuing Education (Refresher)
 Courses to Iowa Licensed UST
 Professionals, 4
 Regional Collection Center
 Establishment Grant, 2

D

Delaney
 Mike, 20
 Directors Remarks, 1

F

Final Rule
 Chapter 61

Water Quality Standards (Stream
 Reclassifications via Use
 Assessment and Use Attainability
 Analyses), 24

Chapters 20, 21,22, 23, 25, and 33
 Air Quality Program Rules -
 Updates, Revisions, and Additions, 6

G

Gelb
 Marian, 17
 General Discussion, 45

H

Hubbell
 Charlotte, 20

K

Kinman, Linda, 13

M

Monthly Reports, 26

N

Next Meeting Dates, 46
 Nonpoint Source Pollution Control Project
 Contract, 12

P

Partridge, RoseMary, 19
 Peckumn
 Jerry, 18
 Petroleum Tank Training Institute
 Compliance Inspector Training and
 Continuing Education (Refresher)
 Courses to Iowa Licensed UST
 Professionals
 Contract, 4
 Presentation
 Water monitoring activites in the
 Raccoon Basin, 22
 Probst

Don, 20

Proposed Rule

Amend subrule 113.2(8) of 567-Chapter
113 “Sanitary Landfills for Municipal
Solid Waste - Groundwater Protection
Systems for the Disposal of Non-
Hazardous Wastes”, 11

Chapters 20, 21, 22, 23 and 33

Air Quality Program Rules –
Updates, Revisions and Additions, 8

Public Participation, 13

S

Seaman

Neila, 17

Skidmore

Sonia, 18

Soelberg

Virginia, 17

T

Troeger

Jack, 18

V

Veysey

Steve, 19

W

Water monitoring activities in the Raccoon
Basin

Presentation, 22

Water Quality Standards (Stream
Reclassifications via Use Assessment and
Use Attainability Analyses)

Final Rule

Chapter 61, 24